

Applicant : Ignatious et al.  
Serial No.: 09/171,740  
Filed : April 20, 1999  
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Office affixed OIPE date stamp of July 8, 2002, a copy of which is attached.

In the Notice, a copy of which is attached for ease of reference, the Patent Office determined that the aforementioned Request for Continued Examination was improper since the Request "was not accompanied by a submission as required by 37 C.F.R. 1.114."

The pertinent portions of 37 C.F.R. 1.114, state in part,

(a) If prosecution in an application is closed, an

Applicant may request continued examination of the application by filing a submission... prior to the earliest of:

... (2) Abandonment of the application [.]

(b) Prosecution in an application is closed as used in this section means... that the last Office Action is a final action (§1.113).

(c) A submission as used in this section includes... an *information disclosure statement*. (Emphasis added).

Applicants submit that on July 1, 2002, they complied with the requirements to establish a proper Request for Continued Examination by filing a 3<sup>rd</sup> Supplemental Information Statement as required under 37 C.F.R. §1.114 (c). Said Request was timely pursuant to the aforementioned Petition for Extension of Time which extended the period to file a reply

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to Final Office Action mailed February 11<sup>th</sup> from May 11, 2002 to July 11, 2002.

For all the foregoing reasons, Applicants respectfully request the withdrawal of the Notice and the establishment of the continued examination of the above-referenced application under 37 C.F.R. 1.114.

Prompt and favorable action is solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this Communication or credit any overpayment to Deposit Account No. 50-0590. A duplicate copy of this letter is enclosed.

Date: 8-15-2002

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Respectfully submitted,

  
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